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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,086	05/04/2001	Peter Stamm	32221-170976	8366
26694	7590	08/18/2004		
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER HANEY, MATTHEW J	
			ART UNIT 2613	PAPER NUMBER

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/831,086	STAMM, PETER	
	Examiner	Art Unit	
	Matthew Haney	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micaletti (US 6,122,001) in view of Koyama (US 5,068,767) and in further view of Kikuchi (US 5,212,598). Micaletti teaches of a camera aligned perpendicular to the parcel surface to be recorded, where camera is a CCD sensor (Column 3, Lines 1-15), at least one sensor upstream of the camera, said at least one sensor for measuring the height (i.e. vertical profile) of the parcel to be recorded (Column 3, Lines 16-23), a control device for generating adjustment signals for the camera in dependence on the measured parcel height (Column 3, Lines 56 –67 and Column 4, Lines 1-17), wherein the camera further includes a zoom adjustment lens actuated by the control device to maintain a consistent picture scale independent of variances in the measured heights of the parcels (Column 4, Lines 6-17), zoom adjustment drive comprising a linear motor to adjust the zoom adjustment lens (Note: the use of a linear motor is implied within Micaletti, Column 4, Lines 6-12, the dependence of the linear motion of the travel speed of the packet would require the use of the linear motor). Micaletti does not teach of at least two lighting devices arranged crosswise in the conveying

Art Unit: 2613

direction to beam light onto the parcel surface at an angle to ensure that the parcel surface to be recorded is illuminated uniformly and without shadows (i.e. shadowless lighting device), however, Koyama does (Note: the invention in Koyama also adds the needed requirement of automatic focusing capability of the lighting system, Column 4, Lines 28-59 and Figure 2). Micaletti also does not teach of a camera lens having a zoom lens, however, it is clearly obvious to have the capability of getting an image ratio greater than 1 (Kiruchi shows a zoom tracking apparatus that keeps the focal point of objects as their distance from the camera changes, Column 2, Lines 11-67), Kiruchi also points out that prior art shows this to be obvious, Column 1, Lines 49-68). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the automatic focusing shadowless lighting device to the invention disclosed in Micaletti in order to ensure that the surface being imaged would be able to be seen without distortion from shadows.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmutz (US 5,633,487) discloses a system that contains a imaging system (for reading barcodes) with a zoom lens that takes an input from a height sensor located upstream of the imaging device. Goto (US 4,643,565) discloses an imaging device with zoom capabilities that images fast moving prints.

Art Unit: 2613

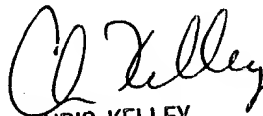
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Haney whose telephone number is 703-305-4915. The examiner can normally be reached on M-Th (7-4:30), Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Haney
Examiner
Art Unit 2613

mjh


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600